

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:15-CR-3059

vs.

ORDER

ZACHARY JOSEPH LOVE,

Defendant.

This matter is before the Court on the defendant's motion to extend the time for filing a direct appeal (filing 113). *See Fed. R. App. P. 4(b)(4)*. For good cause shown, the Court will grant the defendant's motion.

The judgment in this case (filing 111) was filed on July 20, 2016, so the initial deadline for filing a notice of appeal is August 3.¹ *See Rule 4(b)(1)(A); see also Rule 4(b)(6)* (judgment is entered for purposes of Rule 4(b) when entered on the criminal docket). Rule 4(b)(4) permits a 30-day extension from that deadline, which would be September 2. The Court will extend the appeal deadline in this case until September 2. Counsel is advised, however, that Rule 4(b)(4) will permit no further extension.

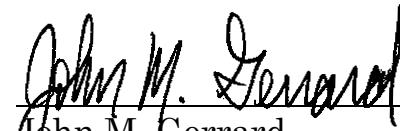
IT IS ORDERED:

1. The defendant's motion to extend the time for filing a direct appeal (filing 113) is granted.
2. The defendant may file a notice of appeal on or before September 2, 2016.

¹ The Court notes that the 3-day mailing rule set forth in both *Fed. R. Crim. P. 45(c)* and *Fed. R. App. P. 26(c)*, which extends the filing period "[w]hen a party may or must act within a specified time after service," does not apply here because the time to file a notice of appeal runs from the entry of judgment, not its service upon the parties. *See, Arnold v. Wood*, 238 F.3d 992, 995 n.2 (8th Cir. 2001); *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Kurtenbach*, 525 F.2d 1179, 1181-82 (8th Cir. 1975); *see also United States v. Morrison*, 980 F.2d 735 (8th Cir. 1992) (unpublished table decision); *see generally* 16AA Charles Alan Wright and Arthur R. Miller, *Federal Practice and Procedure* § 3972.1 (4th ed. 2008 & Supp. 2014).

Dated this 2nd day of August, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge